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10/628,166	07/28/2003	Terry M. Martin	200208612-1	5598

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EXAMINER
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DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
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2452

NOTIFICATION DATE	DELIVERY MODE
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10/30/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/628,166	<b>Applicant(s)</b> MARTIN ET AL.	
	<b>Examiner</b> Thomas J. Dailey	<b>Art Unit</b> 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,9,15,25,26,28-30 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,9,15,25,26,28-30, and 35-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1, 2, 5, 9, 13, 15, 25, 26, 28-30 and 35-39 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 6/17/2009 have been fully considered but they are not persuasive.
3. The applicant argues with respect to the independent claims that Karakashian fails to disclose "a message handler associated with the client intercepting the request" intended for a network service. Specifically, the applicant contends Karakasian's web container is not "associated with" a client that sent the invoke.  
co-locate
4. The examiner disagrees and notes, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.  
See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Specifically, in the computer arts, and in general, the term "associated with" is quite broad. That is, the fact that "a message handler associated with a client" does not require the message handler to be installed or co-located with client, rather simply communicating with the client could read on such claim language. Therefore, the very fact that Karakashian's protocol adapter receives client requests is enough by itself to read on the claim.

5. The applicant further argues with respect to the independent claims that Karakashian fails to disclose “interjecting a session identifier into the request.” Specifically, the applicant contends Karakashian simply indicates that the protocol adapter identifies and routes requests, and although it converts requests, such conversions do not inherently require any interjection of session identifiers.
6. The examiner disagrees. Karakashian discloses interjecting a session identifier into the request ([0036], lines 11-12, protocol adapter propagates message context, with requests, to web services; message contexts include identifying data as disclosed in [0038]). Specifically, when Karakashian’s protocol adapter both converts requests and propagates message context with requests and such message context include identifying data such as conversation Ids, it essential that such information is “interjected” into the message. Further, “interjecting” does not inherently require generation of session ID, meaning the claim is broad enough so as not to require Karakashian’s protocol handler to both generate *and* interject a session identifier. Therefore, Karakashian’s protocol handler during conversion and propagation may insert the message context with the requests.
7. The applicant further argues with respect to the independent claims that Karakashian fails to disclose “intercepting a response to the request from the network service and intended for the client.” Specifically, the applicant contends

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Karakashian protocol adapter "can also receive" a response, but does not "intercept" the response as "interception" inherently requires identifying something intended for another target, and Karakashian's web service container appears to send the response directly to the web container and its protocol adapter.

8. The examiner disagrees. Karakashian discloses the message handler intercepting a response to the request from the network service and intended for the client ([0036], lines 3-6, protocol adapter also handles response data). Specifically, the examiner fails to see how this is not "interception" as the protocol sends the response, after processing, to the originator of the request. This is exactly the same thing the claimed invention does, e.g. "a client sending a request intended for a network service" (claim 1, line 3) and later after the "interception" and processing, "the message handler providing the response to the client." (claim 1, line 15)
9. The applicant further argues with respect to the independent claim that the combination of Karakashian and Felciano fail to disclose "the message handler storing in a database relative to the session identifier the time at which the request was transmitted to the network service." Specifically, the applicant contends that although Felciano describes various information associated with a

client request being stored, Felciano does not identify any message handler associated with the client that performs such actions.

10. The examiner disagrees notes one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Specifically, Karakashian disclosed a message handler associated with client, see above response to arguments, and again the examiner contends the applicant is taking to narrow an interpretation of "associated with." The examiner also points out, the very fact that Felciano, as the applicant has indicated, stores various information associated with a client request is enough to have the entity doing that storing (i.e., a message handler) be "associated with" that client.

11. Lastly, the applicant argues with respect to the independent claim that the combination of Karakashian and Felciano fail to disclose "the message handler storing in a database relative to the session identifier the time at which the response was received." Specifically the applicant contends that Felciano fails to disclose or suggest a message handler "associated with" the client storing any information regarding a received message. As a further matter, that Felciano more generally fails to disclose or suggest storing information regarding a

response to a received request. Instead, Felciano's disclosure is focused on storing information concerning requests, not responses to those requests.

12. The examiner disagrees and notes one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Specifically, as addressed above, Karakashian disclosed a message handler "associated with the client" intercepting responses and requests. Further as Felciano discloses handler storing, in a database relative to a session identifier, the times at which network messages were transmitted (column 4, lines 51-65, various information about client requests, including data and time stamps, are logged by lamprey program in a database; as the lamprey program ("message handler") logs information in order to track "individual web sessions," session identifiers are essential to such a task).

Further, one of ordinary skill in the art would view it as obvious to include such database information for both types of messages (requests and responses) in Karakashian as a person of ordinary skill has good reason to pursue the known options within his or her technical grasp (such as those evidenced by Felciano) and if this leads to anticipated success, it is likely the product not of innovation, but of ordinary skill and common sense.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1, 2, 5, 9, 13, 15, 25, 26, 28-30 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karakashian et al (US Pub. No. 2004/0064503), hereafter "Karakashian," in view of Felciano et al (US Pat. 6,052,730), hereafter "Felciano."

15. As to claim 1, Karakashian discloses a method, the method comprising:

a client sending intended for a network service ([0032], lines 4-7, web services client invokes (requests) a web service);

a message handler associated with the client intercepting the request ([0032], lines 4-7, A protocol adapter intercepts the invoke (request));

interjecting a session identifier into the request ([0036], lines 11-12, protocol adapter propagates message context, with requests, to web services; message contexts include identifying data as disclosed in [0038])

the message handler storing information about the request ([0038], invocation context (information about the request) is stored);



the message handler intercepting a response to the request from the network service and intended for the client ([0036], lines 3-6, protocol adapter also handles response data);

the message handler identifying the session identifier within the response ([0036], lines 3-6, a session identifier is essential in the response in order for the protocol adapter ("message handler") to "return the data to the originator of the request");

the message handler providing the response to the client ([0036], lines 3-6,).

But, Karakashian does not explicitly disclose a message handler storing the time at which a request was transmitted to a network service or storing in the database relative to the session identifier the time at which the response was received.

However, Felciano discloses a message handler storing, in a database relative to a session identifier, the times at which network messages were transmitted (column 4, lines 51-65, various information about client requests, including data and time stamps, are logged by lamprey program in a database; as the lamprey program ("message handler") logs information in order to track "individual web sessions," session identifiers are essential to such a task).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Karakashian and Felciano to more effectively monitor client and web services interactions which, for example, would allow web site designers to analyze how to improve the design of web sites and increase ease of use (Felciano, column 5, lines 1-14).

16. As to claims 25 and 29, it is rejected by a similar rationale set forth in claim 1's rejection.

17. As to claim 36, Karakashian discloses a computer-readable medium that stores a message handler associated with a network service, the message handler comprising:

logic configured to intercept a request sent to the network service from a client ([0032], lines 4-7, A protocol adapter intercepts the invoke (request));

logic configured to identify a session identifier within the request ([0036], identification of a session identifiers are essential in the request in order for the protocol adapter to "identif[y] requests as web service messages, as well as rout[e] the messages to a web services container"); and

logic configured to provide the request to the network service ([0036]).

But, Karakashian does not explicitly disclose storing the time at which a request was transmitted to a network service in a database relative to the session identifier.

However, Felciano discloses storing the time at which a request was transmitted to a network service in a database relative to the session identifier (column 4, lines 51-65, various information about client requests, including data and time stamps, are logged by lamprey program in a database; as the lamprey program logs information in order to track “individual web sessions,” session identifiers are essential to such a task).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Karakashian and Felciano to more effectively monitor client and web services interactions which, for example, would allow web site designers to analyze how to improve the design of web sites and increase ease of use (Felciano, column 5, lines 1-14).

18. As to claim 2, Karakashian and Felciano disclose intercepting the request comprises the message handler intercepting a request sent by a network service acting in the capacity of a client (Karakashian, [0032], lines 4-7, web services client invokes (calls) a web service)).

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19. As to claims 5, 15, 26, 37, and 39 Karakashian and Felciano disclose message handlers storing in the database relative to the session identifier at least one of a name of the client, a name of a network service, a message type, and substance of the request. (Felciano, column 4, lines 51-65; Karakashian disclose multiple message handlers (protocol adapters), see Fig. 1).

20. As to claims 9 and 28, Karakashian and Felciano disclose interjecting at least one of a message type (Karakashian, [0038]).

21. As to claim 13, Karakashian discloses multiple message handlers (Fig. 1, i.e. “protocol adapters”) and see the rejection of claim 1 for the functionality of the protocol adapters with respect to the claimed message handler.

22. As to claim 30, Karakashian and Felciano disclose the message handler is a simple object access protocol (SOAP) message handler (Karakashian, [0025]).

23. As to claim 38, it is rejected by a similar rationale to that of claim 1's rejection.

### ***Conclusion***

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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25. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./  
Examiner, Art Unit 2452

/Dohm Chankong/  
Primary Examiner, Art Unit 2452